

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LORRAINE LYONS,

Plaintiff,

-v-

NEW YORK LIFE INSURANCE COMPANY,

Defendant.

20 Civ. 3120 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


On August 5, 2020, defendant filed a motion to dismiss the complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by August 26, 2020. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by September 16, 2020, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that it relies on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by August 26, 2020. Defendant's reply, if any, shall be served by September 9, 2020. At the time any reply is served, the moving party shall supply the Court with courtesy copies of all motion papers via email to EngelmayerNYSDChambers@nysd.uscourts.gov.

¹ If defendant files a new motion to dismiss or rely on its previous motion, plaintiff's opposition will be due 21 days thereafter, and defendant's reply, if any, will be due 14 days after that.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: August 5, 2020
New York, New York